

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CASE NO. 2:07cr279-MHT
)
TIMOTHY TYRONE JOHNSON)

MOTION TO RESCIND PRELIMINARY ORDER OF FORFEITURE

Comes now the United States of America ("United States") by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and Tommie Brown Hardwick, Assistant United States Attorney, and moves this Court to rescind the Preliminary Order of Forfeiture stating as follows:

On February 19, 2008, this Court entered a Preliminary Order of Forfeiture (Doc. No. 21) forfeiting defendant's interest in the subject firearm to the United States.

On April 15, 2008, defendant filed a motion to withdraw his plea of guilty (Doc. No. 23). On April 17, 2008, this motion was granted and jury selection set for June 23, 2008 (Doc. No. 26).

Publication of the Preliminary Order (Doc. No. 21) is no longer necessary and in order to avoid further judicial expense, the United States submits that the Preliminary Order of Forfeiture should be rescinded and declared void *ab initio*.

A proposed Order is attached.

Respectfully submitted this 18th day of April, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney

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O R D E R

Upon consideration of the Motion to Rescind Preliminary Order of Forfeiture heretofore filed in the above-styled cause, and for good cause shown, the Court is of the opinion that the motion should be and the same is hereby GRANTED. It is, therefore, **CONSIDERED, ORDERED, ADJUDGED AND DECREED** by the Court that said Motion be and the same is hereby granted and the Preliminary Order of Forfeiture (Doc. No. 21) entered February 19, 2008, is hereby rescinded and declared void *ab initio*.

DONE this ____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE